

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 1840 of 2005

Between:

R. Jagannadha Rao, C/o. Shubhan Industries,
Survey No. 211, Pargi Road, Elikatta, Pin Code - 509 410, Mahaboobnagar
District.

..... PETITIONER

AND

1 The Managing Director, Selco International Ltd. Survey No. 199 & 200 AA,
Elikatta,
Pin Code - 509 410,
Farooqnagar Mandal, Mahabubnagar District.
(RRS 2&6 ARE DELETED AS PER THE COURT ORDER DT. 8-2-2005)

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2 The Collector and District Magistrate,
Mahabubnagar District, Mahabubnagar.
3 The Member-Secretary, A.P.Pollution Control Board, Hyderabad.
4 The Secretary to the Government, Environment Science & Technology
Department,
Secretariat, Hyderabad,

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.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be pleased to
issue an Order, direction, or a Writ, more particularly one in the nature of Writ of

Mandamus to call for records and remarks from the Respondents herein relating to (1) emitting of dust by the Factory, by name, Selco International Ltd. Survey No. 199 & 200 AA, Elikatta, Pin Code - 509 410, Farooqnagar Mandal, Mahabubnagar District, thereby sprinkling of dust everywhere in and outside houses around the area causing the residents to great hardships; (2) Covering of dust on food, water, all appliances, house-hold goods, computers, printers, tables, chairs, beds and cots, in all rooms in the houses and on all vehicles outside houses and the dust has to be cleared on hourly basis (3) generating unbearable high sound due to which no one could speak to one another, make or receive any phone call and unable to work and to pass appropriate orders directing the concerned authorities to close the Factory, Selco International Ltd., Survey No. 199 & 200AA, Elikatta - 509 410, Farooqnagar Mandal, Mahabubnagar District, till effective preventive measures are taken to control the pollution and to pass such other or further Orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: PETITION

Counsel for the Respondent No.1: S. Venkatareddy

Counsel for the Respondent Nos. 3 and 5: G.P. for Forests

Counsel for the Respondent No.4: Mr. S.V. Bhatt

The Court made the following Oral Order: (per Sri B. Sudershan Reddy, J)

This writ petition is taken up on the strength of a letter addressed by the petitioner herein to the Honourable Chief Justice making certain allegations against the 1st respondent herein that the activities carried on by it are causing air pollution in the surrounding areas.

Learned Standing Counsel for the Pollution Control Board made available to us the copies of the proceedings dated 21.4.2005 addressed by the Environmental Engineer to the Joint Chief Environmental Engineer. The contents of which, inter alia, reveal that the 1st respondent-industry was subjected to an inspection by the authority concerned. During the inspection, the writ petitioner was also met. The writ petitioner reiterated before the authority at the time of inspection what has been stated by him in his letter addressed to this Court. The authority found that the distance between the writ petitioner's unit and the boundary of the 1st respondent industry is just about 300 feet. It appears from the said proceedings that the writ petitioner is also having a fruit garden (Mango and Anjeer) of 8 acres abutting the boundary of the 1st respondent-industry. According to the petitioner, due to heavy dust generated by the activity of the industry, the garden is also affected. During inspection, it was found that the 1st respondent industry was storing refused derived fuel (raw materials), husk and bottom ash generated from the boiler in an open land within the premises. It is stated that during the breeze, the dust from the materials stored in an open place was getting carried away into the neighbouring surrounding lands. The authority at the time of inspection conducted stack monitoring. The analysis report indicates that the SPM value is 489 mg/Nm³, SO₂-39 mg/Nm³ and

NOx-1158 mg/Nm³. Both the values of SPM and NOx are exceeding the Board standards.

Be it as it may, having noticed certain deficiencies, the authority had decided to issue show cause notice to the 1st respondent seeking its explanation in the matter and also proposed to direct the 1st respondent-industry to take the following necessary measures.

- “1. The industry shall provide adequate dust suppression system at the storage yards and also at various dust generating points within the premises.
2. All the raw material handling and transfer points shall be provided with Bag filters.
3. The industry shall provide interlocking system, between ESP and the boiler, so that, in case of any problem with the ESP, the boiler shall not operate.
4. The industry shall evaluate the ESP provided to Boiler, if necessary, the same shall be upgraded to achieve the Board standards.
5. The industry shall take necessary measures to control the noise generated during the release of steam from the boiler.
6. The industry shall provide storage sheds for storing the raw materials and also the bottom ash generated from the process.
7. The industry shall provide metal roads within the premises so as to control the dust generated from the vehicles.
8. Green belt development shall be taken up extensively all along the boundary. The saplings should be of 3 years aged plants”

Suffice it to notice that the 4th respondent A.P. Pollution Control Board having accepted notice through its counsel in this writ petition, had already set the law in motion against the 1st respondent-industry and accordingly issued show cause notice on 21.4.2005 requiring the 1st respondent's explanation. The show cause notice indicates that the Board had already issued certain directions to the 1st respondent-industry to take measures to control the emissions generated from the unit.

In such view of the matter, it would not be appropriate for this Court to express any opinion on the merits so as to avoid any prejudice being caused to the case that may

be set up by the 1st respondent–industry. The explanation to be submitted by the 1st respondent is required to be considered by the Pollution Control Board for taking appropriate action in the matter. In our considered opinion, the only direction that can be issued at this stage is to direct the 4th respondent to expeditiously complete the proceedings pursuant to the show cause notice dated 21.4.2005.

Sri S.Venkata Reddy, learned Senior counsel appearing on behalf of the 1st respondent states that the 1st respondent shall submit its explanation to the show cause notice dated 21.4.2005 as desired by the 4th respondent within the stipulated time.

The 4th respondent shall consider the explanation to be submitted by the 1st respondent and pass appropriate orders in accordance with law. Needless to direct that the 4th respondent shall ensure that the directions issued by it in the show cause notice are complied with by the 1st respondent.

The writ petition is accordingly disposed of without any order as to costs.

B. SUDERSHAN REDDY,J

27th April, 2005

C.V. RAMULU,J

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To

1. The Collector and District Magistrate, Mahabubnagar District,
Mahabubnagar.
- 2 The Member-Secretary, A.P.Pollution Control Board, Hyderabad.
- 3 The Secretary to the Government, Environment Science & Technology
Department, Secretariat, Hyderabad.
- 4 Two C.Cs. to the Government Pleader for Forests, High Court Buildings,
Hyderabad. (OUT)
- 5 Two C.D. copies